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Chief Executives Board for Coordination

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14 December 2012

CEB Circular
(referred to in Agreement, Annex III, paragraph H.25)
on implementation of the non-regression principle
under paragraph 47 of the CEB-AITC Agreement

Introduction

Paragraph 47 of the CEB-AITC 2012 Agreement provides:

> *47. The rates derived under the methodology established in the "1991 CEB/AITC Agreement" will remain in force until the entry into force of the new Agreement on 1 January 2013. The rate or rates in force as at 31 December 2012 will remain frozen until the application of the methodology set out in annex III results in an increase in the rates payable, as applicable.*

This non-regression principle aims to ensure that a short-term translator who was employed by one of the organizations applying the existing 1991 Agreement will retain his/her pay level under the new Agreement once it enters into force on 1 January 2013 (the 2013 Agreement).

To the extent that the methodology for determining daily rates under the two agreements is different, as is the grading structure of free-lance translators, the implementation of the non-regression in the transition from the 1991 Agreement to the 2013 Agreement requires the definition of the following implementation parameters.

<u>Scope of non-regression under paragraph 47 of the Agreement</u>

Non-regression will be applied to any translator who:

- was employed by any of the organizations applying the 1991 Agreement during the period 1 January 2012 to 31 December 2012; this period may be extended to 1 January 2011 where a translator did not work in 2012 due to certificated serious illness or accident affecting the translator's work capacity or due to parental responsibilities in respect of a newborn or adopted child;

  and

- had a formally declared professional domicile as at 1 December 2012 in a duty station for which local rates were applied under the 1991 Agreement.

Non-regression will be applied in respect of the daily and monthly rates applicable at the declared professional domicile of the translator as at 31 December 2012 for as long as the translator remains in the same professional domicile, until such time as the new methodology generates a higher rate or the translator is reclassified to a higher grade, whichever occurs first.

In the case of translators whose professional domicile is in one of the Headquarters duty stations, the comparison will be between the relevant local rate applicable for that duty station on 31 December 2012 and the corresponding Headquarters rate under the 2013 Agreement. In the case of translators with a professional domicile in another duty station, the comparison will be between the local rate applicable for that duty station on 31 December 2012 and the World rate under the 2013 Agreement.

With respect to translators employed outside of their professional domicile, non-regression will be applied in respect of the non-local daily and monthly rates applicable on 31 December 2012 until such time as the World Rate under the 2013 Agreement generates a higher rate or the translator is reclassified to a higher grade, whichever occurs first.

Non-regression does not apply to off-site rates (which were not regulated by the 1991 AITC Agreement).[1]

<u>Components of a short-term translator's pay</u>

(i) The net base salary, determined from the UN salary scale for the Professional and higher categories:
   - Under the 1991 Agreement, daily salaries are calculated by dividing the annual salary at single rate by 323 days.
   - Under the 2013 Agreement, daily salaries are calculated by dividing the annual salary at dependency rate by 221 days.
   - Under both Agreements, monthly salaries are calculated by dividing the annual salary (at single rate under the 1991 Agreement and at dependency rate under the 2013 Agreement) by 12 months.

[1] *Although this excludes any claims based on rates paid under off-site contracts prior to 2013, it does allow for translators who will benefit from non-regression on in-house contracts to make comparable earnings for comparable work on off-site contracts.*

(ii) The 9 per cent social security element:

- Under the 1991 Agreement, all translators are paid the social security element, which is calculated as 9 per cent of the base rate (excluding post adjustment).
- Under paragraph 65 of the new 2013 Agreement[2], all translators are paid the 9 per cent social security element except those in receipt of pension benefits or for whom the employing organization is already providing contributions.

(iii) The post adjustment.

<u>Mechanism for implementation of the non-regression principle</u>

The base daily salary under the existing 1991 Agreement (annual salary at single rate, divided by 323) plus the December 2012 post adjustment amount applicable to each duty station with local rates will be rebased to the base salary plus post adjustment under the new 2013 Agreement (annual salary at dependency rate, divided by 221).

No adjustment is required for the monthly rates.

These frozen daily and monthly rates will be published by the United Nations/CEB only for the eight Headquarters duty stations and the World rate.

For local rates in other duty stations, the frozen rates will be published on request by the agencies employing translators on local conditions.

In the latter case, the comparison will be between the frozen local rate and the world rate under the 2013 Agreement.

The social security element (9 per cent of base salary) is excluded from the comparison, given that not all short-term translators are entitled to this element under paragraph 65 of the 2013 Agreement.

For those entitled, the 9 per cent social security element will be calculated on the base rates established as of 1 January 2013 and added to their salary.

The example of a re-basing calculation, as well as of the comparison between the monthly salaries payable under the 1991 and 2013 agreements, are given below for purely illustrative purposes (all figures in US dollars *corresponding to Geneva data as at 1 October 2012*):

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[2] *The remuneration rates for short-term translators are set out in annex III. The rates include a 9 per cent add-on to the base salary rate as a social security element of the compensation package. The 9 per cent add-on is not applied if the employing organization is already providing social security coverage (pension benefits or contributions) in respect of the short-term translator by virtue of the short-term rules of the organization, or if the short-term translator is in receipt of a benefit from any pension scheme of an organization party to this agreement. As detailed in annex III and illustrated in the appendix, the Agreement accordingly provides for schedules of rates with and without the 9% social security element add-on.*

GENEVA		TI	TII	TIII/RI	TIV/RII	RIII
Grade equivalency under 1991 Agreement		P2/1(S)	P3/1(S)	P3/8(S)	Mean P3/8+P4/10(S)	P4/10(S)
(a)	Base	46730.00	56091.00	65488.00	72918.50	80349.00
(b)	Divided by 323	144.67	173.66	202.75	225.75	248.76
(c)	PAM Oct.2012	97.70	97.70	97.70	97.70	97.70
(d)	PA amount	141.35	169.66	198.09	220.56	243.04
(e)	(b) + (d)	286.02	343.32	400.84	446.32	491.80
Daily rate	(e) rebased: x 323 / 221	418.03	501.77	585.84	652.31	718.78
Monthly rate	((a)+ PAM Oct.2012)/12	7698.77	9240.99	10789.15	12013.32	13237.50

		TI	TII	TIII	TIV	TV
Grade equivalency under 2013 Agreement		P1/1(D)	P2/1(D)	P3/1(D)	P4/1(D)	P5/1(D)*
(f)	Base	39439.00	49821.00	60091.00	72467.00	86904.00
(g)	Divided by 221	178.46	225.43	271.90	327.90	393.90
(h)	PAM 12-mth avg (Nov.11-Oct.12)	98.90	98.90	98.90	98.90	98.90
(i)	PA amount	176.49	222.95	268.91	324.30	388.91
Daily rate	(g) + (i)	354.95	448.39	540.82	652.20	782.14
Monthly rate	((f)+PAM 12-mth avg)/12	6537.01	8257.83	9960.08	12011.41	14404.34

	TI	TII	TIII	TIV	TV
Social security element to be added to the rate of eligible officials					
Daily	16.06	20.09	24.47	29.51	35.39
Monthly	295.79	373.66	450.68	543.50	651.78

Thus, from 1 January 2013, a TIII/RI short-term translator to whom non-regression is applicable will receive:

- USD 585.84 per working day, compared to USD 540.82 at the new TIII level;
- USD 10789.15 per month, compared to USD 9960.08 at the new TIII level

until such time as the new methodology generates a higher daily rate or the translator is reclassified to a higher grade, whichever occurs first.

The non-regressed amount (the "protected" amount) will be frozen as at 31 December 2012 and will not be subject to adjustment.

Eligible translators will in addition receive the social security element payable under the 2013 Agreement.

All figures will be updated in January 2013 with the methodological parameters prescribed under Annex III of the AITC 2013 Agreement; they may be higher or lower than those shown above.

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* In accordance with paragraph 35 of the 2013 Agreement, the P5 grade equivalency will only apply in organizations whose grading structure for staff translators include the P5 grade, provided the translator is granted that equivalency in accordance with the provisions of Annex VI B of the 2013 Agreement.

Therefore, non-regression for eligible RIII translators will be implemented by comparison between the RIII rate under the 1991 Agreement and the TIV grade under the 2013 Agreement.